

1 Darryl Carter  
2 1513 E. Presidio Street<sup>1</sup>  
3 Fort Worth, Texas 76104  
4 Phone:(469)783-0382<sup>2</sup>  
5 Email: [access2courts@posteo.org](mailto:access2courts@posteo.org)

6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF TEXAS  
8 DALLAS DIVISION

9 DARRYL CARTER

10  
11 Plaintiff,

12 vs.

13 DALLAS POLICE DEPARTMENT.  
14 ET AL,

15 Defendants

CASE NO.: 3:20-CV-00259-S-BT

16 NOTICE OF APPEAL  
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25 <sup>1</sup> This address is a temporary mailing address only after plaintiff was forcibly (against his will)  
26 removed to Tarrant County from Dallas County, per hidden undisclosed facts related to Dallas  
27 County, which otherwise would have been determined during *Discovery* had *Discovery* commenced.  
28 <sup>2</sup> As set forth in the Writ Petition this device was stolen on March 1, 2020, thus at best this is a  
message ONLY line which cannot be assured as to receiving such messages given that it is stolen and  
outside plaintiff's control.

**NOTICE OF APPEAL**

Pursuant to 28 U.S.C. § 1291 of the Federal Rules of Appellate Procedure (“F.R.A.P”), Darryl Carter (“Appellant”), hereby appeals the district court’s judgment (Doc # 20), to the United States Court of Appeals for the Fifth Circuit. Plaintiff attaches a copy of said judgment attached, hereto, as **Exhibit A**. NOTE: As the following illustrates, no defendant appeared in the lower court action as no summons was issued in the lower court.

The contact information of the parties is identified below:

1. Appellant: **Darryl Carter**

*Counsel for appellant*  
1513 E. Presidio Street<sup>3</sup>  
Fort Worth, Texas 76104  
Phone<sup>4</sup>:(469)783-0382  
Email: [access2courts@posteo.org](mailto:access2courts@posteo.org)

2. Appellees<sup>5</sup>: **Dallas Police Department, Officer A. Hughes**

*Counsel for appellees*

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<sup>3</sup> This address is a temporary mailing address only after plaintiff was forcibly (against his will) removed to Tarrant County from Dallas County, per hidden undisclosed facts related to Dallas County, which otherwise would have been determined during *Discovery* had *Discovery* commenced.

<sup>4</sup> As set forth in the Writ Petition this device was stolen on March 1, 2020, thus at best this is a message ONLY line which cannot be assured as to receiving such messages given that it is stolen and outside plaintiff’s control.

<sup>5</sup> Said appellees were named in the complaint. Additional parties were added to the FAC which was denied per the underlying judgment appealed including City of Fort Worth, DFW Airport police, Officer Fendell badge #554, Officer Crabtree badge # 701. No party appeared and no summons was issued as to any named party.

UNKNOWN no party appeared.

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1       **Fees:**

2       With respect to docketing and related fees, per FRAP<sup>6</sup> 24 (a)(3), plaintiff was  
3       previously authorized to proceed in the district court via an IFP filed as the outset of  
4       the case and no further IFP nor fee is required. In any event, plaintiff has already filed  
5       an IFP in the Fifth Circuit Court of Appeals, on March 9, 2020, per an original action  
6       i.e. Writ Petition filed in that court.

7       **Record:**

8       Pursuant FRAP 24 (c), plaintiff seeks to use the entire record without reproducing any  
9       part thereof.

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12      Dated: March 26, 2020

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17                               Darryl Carter  
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28       <sup>6</sup> Federal Rules of Appellate Procedure

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**EXHIBIT A**  
(5 pages including this page)

United States Court of Appeals for the Fifth Circuit



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#### Northern/Western TX Mandamus w/o Fee

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- Petitions for Permission to Appeal
- Any originating documents filed by a federal government entity
- Any originating document accompanied by a Motion to Proceed In Forma Pauperis

If the filing does not qualify for a fee waiver, **CANCEL** this transaction and select from the CM/ECF menu '*Utilities > File Case Originating Documents with Fee*' category to file the appropriate originating document with a filing fee.

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- Click the [Submit] button to send the document to the Fifth Circuit.

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NTX/WTX Pet Writ of Mandamus without Fee

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Your submission is complete.

**United States District Court**  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DARRYL CARTER

v.

DALLAS POLICE DEPARTMENT  
et al.

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CIVIL ACTION NO. 3:20-CV-0259-S-BT

**JUDGMENT**


This action came on for consideration by the Court, and the issues having been duly considered and a decision duly rendered,

It is ORDERED, ADJUDGED and DECREED that Plaintiff's First Amendment claims and his claims against the Dallas Police Department are DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2), Plaintiff's Eighth and Fourteenth Amendment claims are DISMISSED without prejudice for lack of subject-matter jurisdiction, Plaintiff's motion for an *ex parte* temporary restraining order (ECF No. 6) is DENIED, Plaintiff's motion for leave to file an amended complaint (ECF No. 14) is DENIED, and Plaintiff's renewed motion for temporary restraining order (ECF No. 12) is DENIED.

It is further ORDERED that the Clerk shall transmit a true copy of this Judgment to the parties.

**SO ORDERED.**

SIGNED March 23, 2020.

  
UNITED STATES DISTRICT JUDGE



**United States District Court**  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DARRYL CARTER

v.

DALLAS POLICE DEPARTMENT  
et al.

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CIVIL ACTION NO. 3:20-CV-0259-S-BT

**ORDER**

The United States Magistrate Judge made findings, conclusions and a recommendation, and supplemental findings, conclusions, and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions and recommendation and supplemental findings, conclusions and recommendation for plain error. Finding none, the Court accepts the Findings, Conclusions and Recommendation and Supplemental Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

**SO ORDERED.**

SIGNED March 23, 2020.

  
UNITED STATES DISTRICT JUDGE